

**MEMORANDUM**

**TO:** Lili C. Reitz, Ohio State Dental Board

**FROM:** Sophia Papadimos, Regulatory Policy Assistant

**DATE:** December 23, 2013

**RE:** **CSI Review – 2013 Chapter 11 Qualified Personnel Rule (OAC 4715-11-02)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

The proposed rule package consists of one amended rule being reviewed by the Ohio State Dental Board pursuant to the five-year review requirement of ORC 119.032. The rule sets forth the dental tasks and procedures that basic qualified personnel may perform under the direct supervision of a licensed dentist. The amended rule now allows basic personnel to perform caries susceptibility and detection testing.

The rule package was submitted to the CSI Office on June 21, 2013 and the comment period was held open through July 8, 2013. During that time one comment was received from the Ohio Dental Association in support of the rule and others submitted by the Dental Board. The CSI Office contacted the Dental Board with preliminary comments regarding the proposed BIA but revisions were not submitted.

According to the BIA submitted by the Dental Board, this rule does not create an adverse impact for the regulated community. The CSI Office identified several adverse impacts, including the

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limitations on the types of duties basic personnel are allowed to perform, the provision that a dental assistant may only monitor N<sub>2</sub>O-O<sub>2</sub> sedation if certain requirements have been met (two years and 3,000 hours of experience and the completion of specific courses), and the potential penalties for basic personnel exceeding their scope of authority. However, these restrictions are in place to protect the public and as such, the CSI Office believes that the adverse impacts of the rule are justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio State Dental Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.